

1 **RESNICK & LOUIS, P.C.**
2 TROY A. CLARK, ESQ.
3 Nevada Bar No. 11361
4 tclark@rlattorneys.com
5 8925 West Russell Road, Suite 220.
6 Las Vegas, NV 89148
7 Telephone: (702) 997-3800
8 Facsimile: (702) 997-3800
9 *Attorneys for Defendant*
10 *Walmart, Inc.*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELICA OLVERA, an individual;

Plaintiff,

v.

WALMART, INC., a Delaware Corporation;
EDUARDO LOPEZ, an individual DOES I
through V; AND ROE CORPORATIONS VI –
X, inclusive,

Defendants.

CASE NO.: 2:22-cv-107

PETITION FOR REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEVADA

Defendant WALMART INC. (hereafter “Defendant” or “Walmart”) by and through its
counsel of record, Troy A. Clark, Esq. of the law firm of RESNICK & LOUIS, P.C., hereby
remove this action to the United States District Court for the District of Nevada.

The basis for the removal is as follows:

1. Plaintiff Lisa Friedman filed her Complaint on January 6, 2022. (**Exhibit “1”**).
2. Walmart was served on January 14, 2022.
3. On January 21, 2022, defense counsel spoke with Plaintiff’s counsel and inquired if Mr. Lopez had been served. Plaintiff’s counsel did not know if Mr. Lopez had been served.

- 1 4. This Court has original jurisdiction over the subject matter of this action under the
- 2 provisions of 28 U.S.C. § 1332 in that there is complete diversity between the parties and
- 3 more than \$75,000 in controversy, exclusive of interests and costs.
- 4 5. Plaintiff alleges in her Complaint that she is a resident of Clark County, Nevada.
- 5 (**Exhibit “1”**, Pg. 1:25-26).
- 6 6. Walmart is incorporated in Delaware. Its principal place of business is Arkansas.
- 7 7. Plaintiff’s is alleging **\$66,182.03** in medical specials plus pain and suffering. Plaintiff
- 8 made a prelitigation demand alleging **\$250,000.00** in future medical treatment.
- 9 8. Walmart is unaware if Co-Defendant EDUARDO LOPEZ has been served. As such,
- 10 Walmart does not need to obtain the consent of Co-Defendant Lopez to removal.
- 11 However, to the extent that such consent is needed, Walmart is informed and believes
- 12 that Co-Defendant Lopez does consent.
- 13 9. The Notice of Removal is Timely. Plaintiff served Walmart on January 14, 2022.
- 14 Thus, there can be no dispute that Walmart timely filed the instant notice of removal (i.e.,
- 15 within the 30-day period prescribed by 28 U.S.C. § 1446(b)(1), and less than one year
- 16 after the action was initiated, as required by 28 U.S.C. § 1446(c)(1)).
- 17 10. Copies of all pleadings and papers filed in the District Court, County of Clark, State of
- 18 Nevada action are attached as **Exhibits “1”** through **“3”**.
- 19 11. Defendant has concurrently filed a copy of this Notice of Removal with the Clark County
- 20 District Court Clerk and have severed a copy of this document upon Plaintiff and Co-
- 21 Defendant.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 Based upon the foregoing, Defendant Walmart hereby removes the above action now
2 pending in the Eighth Judicial District, Clark County, Nevada, Case No. A-22-846342-C, to this
3 Court.

4 DATED this 21st day of January, 2022.

5 **RESNICK & LOUIS, P.C.**

6 */s/ Troy Clark*

7
8 TROY A. CLARK, ESQ.
9 Nevada Bar No. 11361
8925 West Russell Road, Suite 220
Las Vegas, Nevada 89148
10 tclark@rlattorneys.com
Telephone: (702) 997-3800
11 Facsimile: (702) 997-3800
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing **Petition for Removal** was served this 21st day of January, 2022, by:

☒ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.

☐ **BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.

☐ **BY PERSONAL SERVICE:** by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.

☒ **BY ELECTRONIC SERVICE:** by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).

Craig W. Drummond, Esq.
Liberty A. Ringor, Esq.
DRUMMOND LAW FIRM, P.C.
810 S. Casino Center Blvd., Suite 101
Las Vegas, Nevada 89101
Attorneys for Plaintiff
Angelica Olvera

/s/ Shyanne Jackson

An Employee of Resnick & Louis, P.C.